



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 1, 2021

VIA ECF

The Honorable Mary Kay Vyskocil
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/1/2021
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Re: Los Rodriguez Deli & Grocery Co., et al. v. United States of America, et al.,
21 Civ. 8844 (MKV)

Dear Judge Vyskocil:

This Office represents defendants United States of America, United States Department of Agriculture Food and Nutrition Service, Administrative Review Officer (the “Government”) in the above-referenced action in which plaintiffs Los Rodriguez Deli & Grocery Co. and Juan Antonio Rodriguez (“Plaintiffs”) challenge their six-month disqualification from the federal Supplemental Nutrition Assistance Program (“SNAP”). On October 29, 2021, Plaintiffs filed an Emergency Motion for an Order to Show Cause, Temporary Restraining Order, and Preliminary Injunction for a stay prohibiting Defendants from disqualifying Plaintiffs from the SNAP pending resolution of this action (“Emergency Motion”). ECF No. 3. On October 29, the Court entered a Scheduling Order directing the Government to respond to Plaintiffs’ Emergency Motion by 2:00 p.m. on November 1, 2021, and scheduling a telephonic hearing on the motion for November 2 at 2:00 p.m. ECF No. 8.

I write to advise the Court that the Government will not oppose a stay of Plaintiffs’ disqualification from the SNAP pending resolution of this action. The parties are currently drafting a stipulation of stay which we will submit for the Court’s signature shortly.

Accordingly, the Government respectfully requests that the Court deny Plaintiffs’ Emergency Motion as moot and vacate the Scheduling Order as the Government has consented to the relief requested. Counsel remain available to participate in tomorrow’s hearing if the Court wishes to proceed. I thank the Court for its consideration of this matter.

Respectfully,

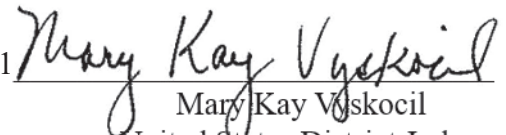
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Cc: George Ortiz, Esq., *Counsel for Plaintiffs* (by ECF)

On the consent of the parties, any suspension of Plaintiffs' participation in SNAP is STAYED pending the resolution of this action. Accordingly, the hearing that was previously scheduled to take place on November 2, 2021 is ADJOURNED *sine die*. The Clerk of Court is respectfully directed to terminate the motion pending at docket entry 3.

Date: November 1, 2021
New York, New York


Mary Kay Vyskocil
United States District Judge